

REMARKS

This is in response to the Office Action dated May 4, 2006. In the Office Action all claims 1-22 were rejected. With the present Amendment, claims 1-12 have been amended. The remaining claims remain unchanged with this response.

The Office Action indicated that the Information Disclosure Statement filed on June 14, 2004 fails to comply with 37 C.F.R. §1.98(a)(3).

Applicants have reviewed the Information Disclosure Statement and found that, with the exception of EP 0 772 056 A1 and DE 29 26 716 B1, English language abstracts have been included for all non-English references. With this Amendment, English translations of abstracts corresponding to references EP 0 772 056 A1 and DE 29 26 716 B1 in the Information Disclosure Statement have been enclosed and therefore Applicant respectfully requests that all references in the Information Disclosure Statement be considered.

The Office Actions also suggests that the numerous references listed on the Information Disclosure Statement makes it difficult to determine whether or not any of the references, or parts of the references, are material to the Applicants' claimed invention.

Section 2004 of the Manual of Patent Examination and Procedure (MPEP) states that:

“When in doubt, it is desirable and safest to submit information. Even though the attorney, agent or applicant doesn't consider it necessarily material, someone else may see it differently and embarrassing questions can be avoided. The court in *U.S. Industries v. Norton Co.*, 210 USPQ 94, 107 (N.D. N.Y. 1980) stated “In short, the question of relevancy in close cases, should be left to the examiner and not the applicant.” See also *LaBounty Mfg., v. U.S. Int'l trade Comm'n*, 958 F.2d 1066, 22 USPQ2d 1025(Fed. Cir. 1992).”

Based on the above MPEP guidelines to comply with the duty of disclosure, Applicants have submitted all prior art believed to be relevant in the prosecution of the present application.

Claims 5-9 and 16-20 were objected to under 37 C.F.R. §1.75(c), as being of improper dependent form for failing to further limit the subject matter of independent claims 1 and 12. The claim amendments obviate the objections to claims 5-9 and 16-20.

Claims 1-22 were rejected under 35 U.S.C. §102(b) as being anticipated by

Bertness et al., (U.S. Patent No. 6,104,167, hereinafter Bertness).


Claim 1 has been amended to include the element of "an external device having an alarm configured to notify a user upon receipt of the transmitted signal from the communication circuitry." Bertness teaches nothing about an external device having an alarm configured to notify a user. Thus, claim 1 is not anticipated by Bertness and is therefore allowable.

Independent claim 12 has elements similar to that of independent claim 1. Thus, for the same reasons as independent claim 1, Applicants submit that independent claim 12 is allowable as well. Moreover, Applicants respectfully submit that the dependent claims are also allowable by virtue of their dependency, either directly or indirectly, from the allowable independent claims. Further, the dependent claims, when read in combination with the independent claims, set forth configurations not shown or suggested in the references.

In view of the foregoing amendments and remarks claims 1-22 are in form for allowance. Reconsideration and allowance of the claims is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,
WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Alan G. Rego, Reg. No. 46,956
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

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